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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,503	07/01/2003	Joann J. Ordille	633-062us	4423
47912	7550	04/13/2010	EXAMINER	
Avaya			PHAN, JOSEPH T	
DEMONT & BREYER, LLC			ART UNIT	
100 COMMONS WAY, STE 250			PAPER NUMBER	
HOLMDEL, NJ 07733			2614	
			NOTIFICATION DATE	DELIVERY MODE
			04/13/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblaw.com

Office Action Summary

Application No.

10/611,503

Applicant(s)

ORDILLE ET AL.

Examiner

JOSEPH T. PHAN

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 8-18 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8-18 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-26 have been considered and new citations are indicated among the new limitations.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 17, and 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 7 recites "the transmission" which lacks antecedent basis. These issues makes the claim indefinite.

Claim 2 lines 2-3 recites "the one or more designated persons" which lack antecedent basis and not known if this is different persons.

Claim 17 lines 5-7 recites "generate a communication flow expression which contains at least one instruction wherein: i. the communication flow contains...and ii...and iii..." which is unclear and confusing as no details are included with the term "wherein" so it is not known if the "i, ii, iii" are instructions referring to the "at least one instruction", or if they refer to the expression, or if all three must be included and performed.

Claim 17 line 6 recites "the transmission..." which lacks antecedent basis.

Claim 17 line 7 recites "the communication flow" which is unclear and confusing if this refers to the 'expression' in line 6 or a different 'communication flow' of the communication, it is

further confusing as line 13 recites “the communication flow expression” so it appears line 7 is different than the expression(the flow and expression are two separate entities as defined in applicant’s specification page 5 lines 3-11)

Claim 17 line 12 recites “the generation task”, line 16 recites “the execution task” which is unclear and confusing.

Claim 17 lines 16-17 recites “the recipient” and “that recipient” which is unclear and confusing as line 4 recites “a recipient” and line 8 recites “a recipient”.

These issues makes the claim indefinite.

Claim 26 line 7 recites “the event notification system” which is unclear and confusing if this is referring to the 'article of manufacture' in line 1 or a separate system.

Claim 26 line 8 recites “the transmission” which lacks antecedent basis. These issues makes the claim indefinite.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-5, 8-18, and 21-26 rejected under 35 U.S.C. 102(c) as being anticipated by
Zimmers et al., Patent #6816878.

Regarding claims 1, 17, and 26 Zimmers teaches a method, an apparatus, and an article of manufacture comprising : a memory and at least one processor, coupled to the memory(Fig.1), operative to: receiving, at an event notification system, a communication for a recipient; generating, at the event notification system(Fig.1), a notification message, wherein the notification message includes information about a response that was dispatched for the received communication(col.4 line 37-col.5 line 25 and col.12 lines 35-67);

generating, at the event notification system, a communication flow expression which contains at least one instruction concerning the transmission of the notification message(Fig.4A-4H, col.12 line 35-col.13 line 67);

executing the communication flow expression, at the event notification system, and sending the notification message from the event notification system to a first recipient that is identified in the communication flow expression (Fig.4A-6B, col.12 line 35-col.13 line 67).

Regarding claim 2, Zimmers teaches the method of claim 1, wherein the notification message is provided to the one or more designated persons in accordance with preference information specified by each of the one or more designated persons(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 4, Zimmers teaches the method of claim 2, wherein the preference information includes at least one media preference(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 5, Zimmers teaches the method of claim 2, wherein the preference information includes at least one human language type preference(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 8, Zimmers teaches the method of claim 1, wherein the identifying,

generating and sending steps are performed in response to the received communication being placed to a specified telephone number(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 9, Zimmers teaches the method of claim,1, wherein the event is an emergency that has been reported to a receiver(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 10, Zimmers teaches the method of claim 1, wherein the event is a telephone call that has been placed to a help desk(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 11, Zimmers teaches the method of claim 1, further comprising the step of receiving at least one response to the notification message(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 12, Zimmers teaches the method of claim 1, further comprising the step of receiving at least one status update from at least one of the one or more designated persons (Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 13, Zimmers teaches the method of claim 1, further comprising the step of dispatching an appropriate response to the communication(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 14, Zimmers teaches the method of claim 13, further comprising the step of receiving at least one status update from a person associated with the appropriate response(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 15, Zimmers teaches the method of claim 1, further comprising the step of notifying at least one of the one or more designated persons of a status update(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 16, Zimmers teaches the method of claim 1, wherein the communication

flow expression describes whether a second recipient is notified based on a response from the first recipient 3(Fig.4A-6B, col.12 line 35-col.13 line 67).

Regarding claim 18, Zimmers teaches the apparatus of claim 17, wherein the notification message is provided to the one or more designated persons in accordance with preference information specified by each of the one or more designated persons(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 21, Zimmers teaches the apparatus of claim 17 wherein the event is an emergency that has been reported to a receiver(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 22, Zimmers teaches the apparatus of claim 1.7, wherein the event is a telephone call that has been placed to a help desk(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 23, Zimmers teaches the apparatus of claim 1.7, wherein the processor is further configured to receive at least one response to the notification message(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 24, Zimmers teaches the apparatus of claim 17, wherein the processor is further configured to receive at least one status update(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 25, Zimmers teaches the apparatus of claim 17 wherein the processor is further configured to dispatch an appropriate response to the communication(Fig.1-7A and col.4 line 37-col.5 line 25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614